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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,692	09/28/2005	Mario Villena	56290.1501	9301

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EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/536,692	Applicant(s) VILLENA ET AL.	
	Examiner Naresh Vig	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in reference to communication received 12 January 2007 and 28 December 2006. Applicant has cancelled all previously pending claims and added new claims 38 – 74. Claims 38 – 74 are pending for examination.

Priority

In the newly added claims, applicant has added the limitation which are not supported by the specification originally filed 27 May 2005. For example:

Claim 47 recites the limitation the map information and the database enables the computer to produce at least one map display that includes at least one respective AVM value associated with at least one property embedded within the map display.

Claims 48 recites the limitation the aerial display information and the database enables the computer to produce at least one photographic display that includes at least one icon associated with at least one property embedded within the photographic display with at least one respective AVM value associated with at least one icon embedded within the photographic display.

Claim 70 recites the limitation graphic information includes at least one of an aerial photograph and a map.

The priority date of the application will be 12 January 2007, the filing date of the last amendment.

Response to Arguments

Applicants arguments and concerns with reference to pending newly added claims 38 – 74 are responded to in response to the pending claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 38 – 65 are rejected as being directed to non-statutory subject matter.

Claim 38 – 65 recites a computer storage medium which comprises a database containing records related to real estate properties. The database without associated executable code which can access the database is treated as non-functional descriptive material. Because the database itself can not produce useful, concrete or tangible result without associated executable code it is a non-functional descriptive material.

Non-Functional Descriptive Material is not statutory even if in combination with a physical medium since there is no functionality associated with the non-functional descriptive material.

Even when non-functional descriptive material is stored to be read or outputted by a computer without any functional interrelationship, they do not impart functionality to the computer, i.e., they are not computer components.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 47, 48, 70, 71, 73 and 74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 47 recites the limitation the map information and the database enables the computer to produce at least one map display that includes at least one respective AVM value associated with at least one property embedded within the map display.

Claims 48 recites the limitation the aerial display information and the database enables the computer to produce at least one photographic display that includes at least one icon associated with at least one property embedded within the photographic display with at least one respective AVM value associated with at least one icon embedded within the photographic display.

Claim 70 recites the limitation graphic information includes at least one of an aerial photograph and a map.

Claim 71, recites the limitation wherein the reporting system includes computer software downloaded onto a computer accessed by the consumer via the Internet.

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Claim 73, recites the limitation wherein the device includes software downloaded onto a computer accessed by the a consumer via the Internet.

Claim 74, recites the limitation wherein the device further includes a computer-based devise for downloading the software onto one or more remote computers via the Internet.

Claims 33 – 65 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant recites database enables the computer to perform at least one AVM-related query. Applicant has not disclosed how a database which holds the data enables the computer to perform a query. A computer can perform a query on the database irregardless of whether the database consists of data or it is empty. One of ordinary skill in the art queries the database to extract the data from the database.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38 – 45, 49 – 65 and 68 – 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metropolitan Regional Information, Inc. hereinafter known as MRIS in view of an article by Holden Lewis “Here’s How To Calculate Home Value” hereinafter known as Lewis.

Regarding claims 38, 50, 39 – 41, 51 – 53, 59 – 65 MRIS teaches system and method to provide MLS service for real estate transaction by utilizing at least one storage medium. MRIS teaches:

database to contain records on a plurality of residential properties in a first geographic region, wherein each record of the database includes value for the residential properties in the database [MRIS, page 22]. MRIS does not explicitly teach value of property to be AVM value of each respective property. However, it is old and known to one of ordinary skill in the art that sellers determine the list price of their property offered for sale be using information like Competitive Market Analysis to

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determine the value of their property. Lewis teaches that sellers who do not use a realtor can use AVM services to estimate value of their home.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that seller can use values generated by AVM as listing price for listing their property in MRIS MLS to get fair market value for their property.

MRIS in view of Lewis teaches:

capability wherein when accessed by a computer, the database enables the computer to perform at least one AVM-related (i.e. price related because the AVM value for a property is stored in the database) query associated with at least one residential property.

wherein a majority of properties in the database are offered for sale

wherein the database contains a first set of properties that includes a majority of single-family dwellings, townhouses and condominiums in each of at least two counties;

Regarding claims 42, 45, 49, 54 – 58, MRIS in view of Lewis teaches database capable to contain:

an identifier of each respective property (e.g. address, Tax id)

geographic location information of each respective property [MRIS, page 110].

tax assessment of each respective property (MRIS, Public Records).

offer for sale value of each respective property.

two or more counties, majority of single-family dwellings in at least one county.

plurality of residential properties in each of two states (e.g. Maryland, Virginia).

records on at least a majority of single-family dwellings in each of each of two or more states.

records on at least a majority of single-family dwellings in at least one state.

Regarding claim 43 – 44, MRIS in view of Lewis teaches capability wherein when accessed by a computer, the database enables the computer to:

produce one or more property identifiers based on at least one AVM value;

produce one or more property identifiers based on a range of AVM values [MRIS, page 65 – 66].

Claims 46 – 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metropolitan Regional Information, Inc. hereinafter known as MRIS in view of an article by Holden Lewis “Here’s How To Calculate Home Value” hereinafter known as Lewis and Du US Patent 6,836,270.

Regarding claims 46 – 48. MRIS in view of Lewis does not teach the map information and the database to the computer to produce at least one map display that includes at least one icon associated with at least one property embedded within the map display. However, Du teaches computer to produce at least one map display that includes at least one icon associated with at least one property embedded within the

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map display to provide output of comparative property values [Du, Fig. 4 and disclosure associated with the Figure].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify MRIS in view of Lewis as taught by Du to provide output of comparative values.

MRIS in view of Lewis and Du teaches capability for map information and the database enable the computer to:

produce at least one map display that includes at least one icon associated with at least one property embedded within the map display.

produce at least one map display that includes at least one respective AVM value associated with at least one property embedded within the map display.

produce at least one photographic display that includes at least one icon associated with at least one property embedded within the photographic display with at least one respective AVM value associated with at least one icon embedded within the photographic display.

Regarding claims 68 – 71, as responded to earlier in response to claims 38 – 65, MRIS teaches system and method for providing real estate related services. MRIS teaches:

using at least one storage medium that includes include a database containing records on a plurality of residential properties.

MRIS in view of Lewis teaches capability wherein each record of the database can contain an automated valuation model (AVM) value of each respective property, an AVM value being an estimated market value of a property generated by a computer software program that analyzes data using an automated process,

wherein the database includes a set of first properties that includes at least one of a majority of existing single-family dwellings, townhouses and condominiums in each of two or more states; and

a report system capable of accessing the database and providing at least one AVM value for at least one residential property to a user based on at least one consumer initiated query of the database.

at least one graphic storage medium containing graphic information related to a plurality of residential properties in the database, wherein the report device is configured to provide a graphic representation of at least a first residential property and a surrounding area of the first residential property.

wherein the graphic information includes a map.

capability wherein the reporting system includes computer software downloaded onto a computer accessed by the consumer via the Internet.

Regarding claims 72 – 74, as responded to earlier in response to claims 38 – 65, MRIS teaches system and method for providing real estate related services. MRIS teaches:

an access device for initiating Internet access to a computer-based system to enable a user to initiate at least one AVM-related query associated with at least one residential property using one or more storage mediums that include:

a database containing records on a plurality of residential properties, wherein each record of the database includes a value.

MRIS in view of Lewis teaches capability to store automated valuation model (AVM) value of each respective property, an AVM value being an estimated market value of a property generated by a computer software program that analyzes data using an automated process;

wherein the database includes a set of first properties that includes at least one of a majority of existing single-family dwellings, townhouses and condominiums in each of two or more states.

capability wherein the device includes software downloaded onto a computer accessed by the a consumer via the Internet.

the device further includes a computer-based devise for downloading the software onto one or more remote computers via the Internet.

Claims 66 – 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farifax County Property Assessment hereinafter known as FCPA in view of an article by Lawrence Richter Quinn article “Appraisers Are Learning To Live With Black Box Technology” hereinafter known as Quinn.

Regarding claims 66 – 67, FCPA teaches system and method for creating a database. FCPA teaches:

Computing assessed value of properties. Fairfax does not explicitly teaches value generated by an AVM. However, Quinn teaches that over a 12-month period Fairfax County with its AVM, was able to appraise more than twice as much property, with accuracy twice as good, without increasing staff or scheduling needs for appraisals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fairfax as taught by Quinn to appraise more properties with more accuracy, without increasing staff or scheduling needs for appraisals.

Fairfax in view of Quinn teaches capability:

computing a respective AVM value for a plurality of residential properties within a first geographic region; and

storing each of the first AVM values in a database located on a one or more computer-accessible mediums such that, when accessed by a computer, the database enables the computer to perform at least one AVM-related query associated with at least one residential property.

Claims 38 – 45, 49 – 65 and 68 – 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metropolitan Regional Information, Inc. hereinafter known as

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MRIS in view of an article by Holden Lewis "Here's How To Calculate Home Value" hereinafter known as Lewis and information on plug-in hereinafter known as TechTarget.

Regarding claims 71, 73 and 74, MRIS in view of Lewis does not explicitly teach downloading of software to client computer. However, TechTarget teaches concept that Plug-in applications are programs that can easily be installed and used as part of your Web browser. Netscape browser allowed you to download, install, and define supplementary programs that played sound or motion video or performed other functions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to download software client to client computer to allow client's web browser to perform other functions.

MRIS in view of Lewis and TechTarget teaches concept of:

system to include computer software downloaded onto a computer accessed by the consumer via the Internet.

software downloaded from device onto a computer accessed by the consumer via the Internet computer-based device for downloading the software onto one or more remote computers via the Internet.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. The Tale of AVMs.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Naresh Vig". The signature is stylized with a large, looped initial "N" and a trailing flourish.

Naresh Vig
Examiner
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February 27, 2007